

FREMONT BOARD OF SELECTMEN**22 MAY 2008****APPROVED 05/29/2008**

At 6:00 pm Cordes called the meeting to order in the basement meeting room at the Town Hall. Present were Selectmen Gene Cordes, Donald Gates Jr, and Brett Hunter; and Town Administrator Heidi Carlson.

Selectmen reviewed the agenda and brought Hunter up to date on some items for the discussions this evening.

OLD BUSINESS

1. Selectmen reviewed the minutes for 15 May 2008. Gates moved to approve the minutes of May 15, 2008 as written, including the non-public portion. Cordes seconded and the vote was unanimously approved.
2. Selectmen reviewed items for Memorial Day including:
 - Parade lineup – this has been reviewed by Dennis Hartwell who is heading up the Color Guard and is the Veteran coordinator for the event. Selectmen are planning to meet at 8:30 am at the Town Hall to participate in the parade.
 - Selectmen's speeches were reviewed and will be updated with all of the current information, including updated names and all speakers; and the current program. There have been some items missed in the printed program, and some of the Ellis School children have changed.
 - Girl Scout cookies – Faith Levesque had asked if a GS Cookie table could be set up if there are leftovers from the May 23rd sale. The Board did not want sales taking place at the cemetery and asked that if the Girl Scouts had cookies left over from the sale on Friday May 23rd that they could set up at the Town Hall parking lot or the Ellis School Parking lot. Permission for items at the school needed to be brought to the school administration.
 - Dennis Hartwell had asked if a Department of Corrections van could be in the parade. Selectmen said that they wanted to stay away from the vehicles if they were not antiques carrying veterans; but if the corrections officers wanted to march, they were certainly welcome to do so.
 - The Guest Speaker is Sgt Grant Mason, and Cordes was given additional information on some of his background.
 - Flags have been put up at the Town Buildings. Some work was done at buildings this week to spruce them up, and Ellis School children and the Fremont Garden Club have additional clean-up projects planned for Friday and Saturday.
 - Cemeteries are being cared for. One pump has been installed and the second is found to be non-operational and will need to be replaced. Roger Anderson picked up grave marker flags today and Dick Rand is going to put out the firemen flags at the cemetery.

NEW BUSINESS

1. Selectmen reviewed the accounts payable manifest \$1,391,373.05 including final 2007-08 School District payout of \$1,377,250. Motion was made by Gates and seconded by Hunter to approve the manifest for May 23, 2008 in the amount of \$1,391,373.05. The vote was unanimously approved.
2. Selectmen reviewed the 2008 Tax Anticipation Note Letter of Credit paperwork, for a total of \$3,575,000 at a rate of 2.31%. The Treasurer has been through the paperwork and signed in all necessary places. With all in order, motion was made by Hunter to sign the TAN Letter of Credit for 2008 in the amount of \$3,575,000. Gates seconded and the vote was unanimously approved.
3. Selectmen reviewed and approved outgoing correspondence to Jay Somers regarding cable contract review and an additional extension; and to Conrad Magnusson regarding his current use application for the remaining acre of parcel 02-070.

FREMONT BOARD OF SELECTMEN**22 MAY 2008**

4. Selectmen reviewed the folder of incoming correspondence.

5. Selectmen revisited the discussion of last week regarding 380 Main Street. The Board's decision regarding settling the matter for \$55,000 was relayed to Attorney Engel last Friday. At that time, Engel advised Carlson that the mortgage company refigured the amounts due and it is actually in the \$80,000 range and not as earlier presented in the \$40,000 range. It is unclear whether the property will close this week. A letter was faxed to Attorney Engel this week in follow-up.

6. Selectmen were advised that the cease and desist order brought forward by Thom Roy on parcel 06-004 located on Rogers Road, had moved forward. The owner, Mr Del Pozzo has applied for a building permit (after the fact, thus that was one reason for the cease and desist); but does not want to pay the impact fee. Mr Del Pozzo had left a phone message asking for a meeting with the Selectmen but has not yet returned the message left for him in follow-up. The Board wanted to be sure that the appeal process for impact fees was known by Del Pozzo, because it is not the Selectmen's jurisdiction to grant any waiver. Del Pozzo has been asked (via phone message from Carlson) to put a letter in writing to the Board outlining the reason for his appointment request.

7. Carlson shared with the Board a "NH the Beautiful" grant which could be applied for to fund ½ the cost of recycling bins, if half of the funds were in the Town's budget. With the anticipated increase in recycling due to the conversion to the cart system, it is felt that additional bins should be obtained. The Board agreed that authorizing approximately \$600 from the solid waste budget to be able to pay the other ½ of the grant was a good idea.

8. Selectmen reviewed a cover letter to Thom Roy regarding a lot line merger for parcels on Beach Street. The new owner of this lot is proposing to change the lot line configuration based on the deed. That process is outside of the Board's jurisdiction until the merger comes back to them for approval. The Town's tax lot for this property is 07-098.

9. Selectmen reviewed the Planning Board Circuit Rider Contract, which had been recommended by the Planning Board at their meeting last night. This contract runs from April 1, 2008 through June 30, 2009. A statement was added to the contract that said "This contract includes a non-appropriation clause such that the Town shall be allowed to terminate it if sufficient funds fail to be appropriated by the Legislative body." With all in order, and the Planning Board having signed it last night, motion was made by Gates and seconded by Hunter to approve the contract for the period specified. The vote was unanimously approved.

At 7:00 pm no Department Heads were present.

10. Selectmen reviewed the Waste Management flyer which describes the cart conversion and change of date on Wednesday route to Friday. Some corrections were made to the flyer. This will be mailed to all households, available at the Town Office and on the Town's website.

NON-PUBLIC SESSION

At 7:20 pm a motion was made by Gates to enter non-public session pursuant to NH RSA 1-A to discuss a matter, which if discussed in public, would likely affect adversely the reputation of any person, other than a member of the body or agency itself. Hunter seconded and the vote was unanimously approved 3-0.

At 7:30 pm motion was made by Hunter and seconded by Gates to return to public session due to the scheduled public hearing. The vote was unanimously approved.

FREMONT BOARD OF SELECTMEN

22 MAY 2008

No decisions were made and the Board will return to the non-public subject matter following conclusion of other scheduled business.

At 7: 32 pm Cindi McRae and her daughter Danielle McRae came into the meeting. Gene Cordes gave some background information for Hunter to get him up to date on the Barn Discretionary Easement process.

At 7:34 pm Cordes called the public hearing to order and read the notice of public hearing:

The Board of Selectmen will hold a public hearing to discuss a barn discretionary easement in accord with NH RSA 79-D on Thursday May 22, 2008 at 7:30 pm in the basement meeting room of the Fremont Town Hall. The subject property of said easement is located at 245 Beede Hill Road, shown on Tax Map 5 as Parcel 72 and is owned by Cynthia McRae. The Public is invited to attend.

Selectmen reviewed the questionnaire filled out at their site meeting of May 12, 2008. Cordes read through the questionnaire and criteria aloud with the Board's notations marked.

The qualification questions were all answered in the affirmative, including:

- A. that the structure is historic;
- B. that the structure is an agricultural structure; and
- C. that the structure provides a public benefit.

Cordes read through all of the Evaluation Questions as well and the Board's recommendation on each:

1. Scenic quality of structure:

__xx__ (65%-75%) The structure is very scenic/aesthetically pleasing and the view is unobstructed for a considerable distance along the road or waterway.

% GRADE: 75%

2. Public access/participation in enjoyment:

__xx__ (55%-65%) View is from an arterial road (>400 vehicles/day)

% GRADE: 65%

3. Historical importance on a local, regional or national level, individually or as part of a historic area:

Selectmen had asked Town Historian Matthew Thomas for input on the following question and received this reply:

The answer to Question #3 would be that the barn would not necessarily be eligible for National or State Register listing to my knowledge 45% to 55%, but it IS of importance state, local, and regionally. There is nothing exceptionally unique about the barn architecturally (that I know of) that would necessarily qualify it for the National or State Register UNLESS it was nominated along with the house (similar to Elm Farm on Rte. 111A in No. Danville).

Given this information, the Board offered the following range but did not decide on a final percentage.

FREMONT BOARD OF SELECTMEN

22 MAY 2008

__xx__ (45%-55%) Structure is not listed, nor eligible for listing, in the National or New Hampshire Registers, but is of state, regional, or local importance. (*Documentation required*)

There was additional discussion about Question 3 dealing with the potential eligibility of the building for State of Federal Historic Registry. McRae questioned that it may be eligible for the register. She was directed to check the NH and Federal Registry status and provide the Board with additional documentation in that regard.

4. Condition of the structure:

__xx__ (65%-75%) Structure is maintained in excellent condition and it retains its historic interior.

% GRADE: 75%

McRae said she feels it is maintained in excellent condition except for the roof and the windows, which is why she is requesting the discretionary easement.

5. Public benefit to be obtained versus the tax revenue lost if an easement is granted:

Board of Selectmen's assessment of the public benefit to be gained if a discretionary easement were to be granted:

The Board further discussed this element as well, and had also asked Matthew Thomas for input, which is included below.

Question #5...The barn adds significantly to the rural appearance of Fremont as it has a prominent visual stance on top of beautiful Beede Hill, and it WOULD be a significant loss to both the rural scenery and historic character of Fremont if it was not preserved, as we do not have that many 18th Century barns still standing in Fremont. A case in point was the loss of the impressive barn that stood directly opposite the street from McRae's Barn that was torn down in the early 1980's. Combined, these two barns made a stunning visual rural scene on top of Beede Hill. As we gradually lose these old structures, we also lose another link to our rural past which is gradually turning into a suburbanized landscape dotted with buildings that have little or no architectural character. Losing \$500.00 in tax revenue is in my personal opinion unfortunate, but still well worth the trade off knowing that part of a beautiful, stunning rural country scene that unfolds as one drives up to the top of the hill and which encompasses one of Fremont's most prominent, successful farming families, is a very small price to pay to preserve such a scene --especially considering how much woodland, fields, and farmland have been developed in Fremont during the past 20-25 years. When the Open Space Committee did a survey of what parts of Fremont local residents would like to see preserved Beede Hill was the #1 choice of respondents, followed by Scribner Road and Martin Road.

Cindi McRae said she had a building inspector (not Fremont's) look at the property as well.

With regard to Question #5; the Board felt that having the barn restored instead of letting it fall down was better for the public good. There was also discussion and information in the file letters about the public benefit of such a historic structure so close to a heavily-traveled roadway. The Board detailed out additional information in a written response to this question on the form.

The Easement draft was distributed to all for further review, including language and verification of the plat number and book/page recording information. The application form has been prepared as well. The

FREMONT BOARD OF SELECTMEN

22 MAY 2008

McRae's were asked to review the language in the easement, and to check on any further plan or deed information they may have.

Cindi McRae had been advised earlier in the week that the Registry of Deeds recording fee would be due at the time of completion and approval of the application, which is \$16.42 payable to Rockingham County Registry of Deeds; and that the Town's administrative fee for the form preparation and expense (to include recording it) would be \$30.00; payable to the Town of Fremont.

There was further discussion about Question #3 and McRae thought that it should be given a 65% marking. She will further investigate the criteria for inclusion on the State or Federal Historic Register to help further determine whether it would be eligible. She thought one week would be sufficient to do this work. She was asked to bring information back to the Board documenting her findings, and the criteria for inclusion and whether her property met the criteria.

Mr Charles Black came into the meeting at 7:50 pm

The McRae's agreed they could get the remaining information done by Thursday June 5, 2008, so that was the date chosen to recess the hearing until. They need to provide a survey map showing the location of the barn and relative points, as well as the area of cartilage Mrs McRae wants included in the easement area.

Motion was made by Gates to recess this public hearing to 7:45 pm on Thursday June 5, 2008. Hunter seconded and the vote was unanimously approved.

The McRae's left the meeting at 7:55 pm. Mr Black came up to the table at that time.

Charles Black had scheduled time with the Board to discuss the Sawyer property on Lyford Drive. He indicated that he had met with the Board some time ago and that the Selectmen had written a follow-up letter; and that he was here checking back on the status of the Sawyer property. Black said that he had done a refinance of his house this past spring to get rid of the construction loan. He said he sold his old house at 51 Sleeper Circle; and built a new one at 59 Sleeper Circle.

The bank, in doing the recent reappraisal for the refinance, suggested to him that this site and the junk thereon impacts the values of the entire subdivision. He said this information caused him to do some research, which he brought in, including some NH statutes and photographs he had taken. RSA 236:91; 236:93; 236:96; 236:120; and 236:123 were the statutes referenced.

Mr Black felt that this requires them to put up fencing and limits them to five vehicles or parts of five vehicles. Black said there are two old buses, a trailer, a large tractor trailer, and an old fire truck. He said these are hardly shielded from the street.

Selectmen agreed that it was unsightly and there are certainly parts as shown in the photographs of equivalent to the five vehicles. Cordes reiterated that the Sawyer's had said they would do certain things, and had thus far failed to complete all of it within the time frames specified. The Board had been trying to work with them, but it had gone well beyond the time specifications. When these commitments did not happen in a timely manner, the Building Inspector and Selectmen then had taken the matter to legal counsel; and it is now pending in the legal system.

Mr Black left the photographs and the copies of the statutes with the Board and thanked them for their time. He left the meeting at 8:04 pm.

FREMONT BOARD OF SELECTMEN**22 MAY 2008**

At 8:07 pm Patti Gentile came into the Board's meeting. She had talked with Theresa Walker of the Rockingham Planning Commission regarding ERLAC and local Fremont representative Tina Sturdivant.

She said she would like to be able to enjoy the river and have others enjoy the river, and would like to become more involved. Ms Gentile said she lives at 29 Cooper Drive.

She was given a Nominee form to fill out so it could be sent with the Selectmen's recommendation to the NH DES Rivers Committee for further action. It was explained to her that the appointment to ERLAC is a State of NH appointment process.

With little further discussion, motion was made by Hunter to recommend Patti Gentile as a Fremont representative to the Exeter River Local Advisory Committee. Gates seconded and the vote was unanimously approved.

At 8:17 pm Patti Gentile left the meeting.

At 8:20 pm Gates moved to return to non-public session pursuant to NH RSA 91-A:3 II (c) in accordance with the earlier motion, to discuss a personnel matter.

Selectmen discussed further Chief Janvrin's letter and the Board's response to it.

At 8:25 pm the Board returned to public session on a motion from Gates and second from Hunter. The vote was unanimously approved.

NEXT WEEK

Memorial Day Services will be held at 9:00 am on Sunday May 25, 2008. All Town Offices are closed on Monday May 26, 2008. Selectmen will plan to line up with the parade participants at 8:30 am on Sunday morning at the Town Hall.

The next regular Board meeting will be held on Thursday May 29, 2008 at 6:00 pm.

With no further business to come before the Board, a motion was made by Gates and seconded by Hunter to adjourn the meeting at 8:41pm. The vote was unanimously approved.

Respectfully submitted,

Heidi Carlson
Town Administrator